

JPW



1-NY/2085757.1

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made and the Commissioner is authorized to charge any fee(s) for an extension of time if required with this filing to our Deposit Account as noted on page 3.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	37	minus	20	17	x \$50 each=	+ \$850.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$200 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$850.00
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$850.00

6. Fee Payment


- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the total fees due to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, and 1.136(a), or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 12, 2006

By:


 Frank J. Spanitz

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Express Mail No. EV 907 291 801 US
PATENT
New Attorney Docket No. 060960-5007-01
(old docket number 8932-872)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael L. BOYER II

Confirmation No. : 3096

Serial No.: 10/718,804

Art Unit: 3738

Filed: November 24, 2003

Examiner: Javier G. Blanco

For: Demineralized Bone Implants

PRELIMINARY AMENDMENT AND ELECTION

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The attached Preliminary Amendment and Election are in response to the Office
Action dated August 22, 2006 for the above identified patent application.

Applicants further respectfully request that New Attorney Docket No. 060960-5007-01
noted above be made of record in this case.

Entry of the election and amendments to the claims are respectfully requested.

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